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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,080	01/05/2000	WARNER R. T. TEN KATE	PHN-17-254	1177

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT PAPER NUMBER

2626

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/478,080	TEN KATE ET AL.	
	Examiner	Art Unit	
	Michael N. Opsasnick	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7,9-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,9-16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,6,7,9-16,18,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (5809454) in view of Itakura et al (5901149) in further view of Yuang et al (IEEE, 1996, Intelligent Video Smoother for Multimedia Communications" (GLOBECOM, IEEE Pp502-507).

As per claims 1,9,18,19, Okada et al (5809454) teaches an arrangement station for reproducing a multimedia signal (MPEG data stream) the arrangement comprising presenting means for presenting the multimedia signal to a user (Fig. 1,6;col. 1 lines 5-28), delay determining means for determining a packet delay measure representing the arrival delay of packets carrying the multimedia signal (as determining the time differential between data arrival and playback mode (col. 6 lines 35-55), as a delay (col. 11 lines 25-50), based on the differential bit rate (col. 6 lines 50-55)); and the presenting

means includes a comparison means for determining a difference value between the packet delay measure and a reference value (as counting the difference between the write signal pulses and the read signal pulses -- col. 7 lines 21-31); and an adjusting means for adjusting the presenting speed in dependence on the difference value (as adjusting the sound interval for compression/expanding according to the write process -- col. 7 lines 34-50).

Okada et al (5809454) does not explicitly teach the packet delay from a packet switched network (Okada et al (5809454) discusses delay between the audio and video packets from an MPEG stream, but does not explicitly teach the delay from a network), however, Itakura et al (5901149) teaches monitoring the delay fluctuations in a network and adjusting the MPEG data packets for such delays, (Fig. 15; col. 1 lines 5-15; col. 3 lines 1-4; col. 4 lines 1-15; col. 12 lines 15-20), along with adjusting the presenting speed to correlate with the reception rate (col. 5 lines 30-52, lines 59-65 → the decoder output is a function of the rate of information coming into the decoder, and the memory storage). Therefore, it would have been obvious to one of ordinary skill in the art of multimedia signal distribution to incorporate the teachings of Okada et al (5809454) into the packet switched network based packet delay control system of Itakura et al (5901149) because it would advantageously control delay distortion due to the network (Itakura et al (5901149), col. 12 lines 18-20).

The combination of Okada et al (5809454) in view of Itakura et al (5901149) does not explicitly teach adapting the reference values dependent upon the variations of the difference value, however, Yuang et al (IEEE) teaches the changing of the range of delay

dependent upon the changing rates themselves (Yuang et al (IEEE), page 505, col. 2 2nd to 4th paragraph -- the changing window size/threshold is based upon the differences found in the VOD and MPT)). Therefore, it would have been obvious to one of ordinary skill in the art of encoding/decoding/transmission of multimedia to modify the combination of Okada et al (5809454) in view of Itakura et al (5901149) with adaptable reference values based on fluctuations of the difference values because it would advantageously present the packet information with optimized high throughput and low discontinuity payout (Yuang et al (IEEE) page 507, first paragraph).

As per claims 2,10,19, the combination of Okada et al (5809454) in view of Itakura et al (5901149) in view of Yuang et al (IEEE) teaches varying the presentation speed of the sound without changing the intonation of the audio signal (Okada et al (5809454), abstract).

As per claims 3,11, the combination of Okada et al (5809454) in view of Itakura et al (5901149) in view of Yuang et al (IEEE) teaches varying the duration of the segments based on the packet delay (Okada et al (5809454), col. 11 lines 35-49; col. 9 lines 1-66)

As per claims 6,7,12,13, the combination of Okada et al (5809454) in view of Itakura et al (5901149) in view of Yuang et al (IEEE) teaches adjusting the movement

speed of the object video signal (Okada et al (5809454), col. 14 line 30 – col. 15 line 65; col. 18 lines 10-65).

As per claim 14, the combination of Okada et al (5809454) in view of Itakura et al (5901149) in view of Yuang et al (IEEE) teaches comparison of the time values to measure the packet delay (Okada et al (5809454), as time based indexed signals for synchronization –col. 11 lines 50-60)

As per claim 15, the combination of Okada et al (5809454) in view of Itakura et al (5901149) in view of Yuang et al (IEEE) teaches a reference value flag based on the buffer measurements (Okada et al (5809454), col. 20 line 61 – col. 21 line 9)

As per claim 16, the combination of Okada et al (5809454) in view of Itakura et al (5901149) in view of Yuang et al (IEEE) teaches playback speeds up to 300% (or 3 times) without changing the intonation of the audio signal component (Okada et al (5809454), Fig. 13; col. 16 line 33 – col. 17 line 25).

Response to Arguments

3. Applicant's arguments filed 8/23/2006 have been fully considered but they are not persuasive. On pages 6 to the middle of page 7 of the response, applicant recites the office action rejection presented in the office action mailed 5/24/2006. Examiner notes that the

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arguments presented on page 7 of the response are toward the Yuang reference. Applicant's present a recitation of the Yuang reference, then states that "Yuang fails to teach or suggest adapting the reference value in dependence upon the variation of a difference values, as is recited in the claims.this size changes with regard to the amount of data in the buffer and not the variation in the difference between the input and output." Examiner respectfully disagrees and notes that 1) Yuang suggests choosing/changing window size as a balance between the dynamic VOD and MPT parameters (page 505, last paragraph before "5. NN Window Determinator") and the amount of data in the buffer is a function of the difference in rate of input/output (the flow of data into the buffer is directly related to the amount of data coming in and the desired output rate). Lastly, examiner notes that the applicant correctly recited 1) the applied prior art and 2) what the applicant believes that the prior art did not teach; however, applicant did not provide a compare/contrast between the two items (other than stating that the Yuang reference did not teach certain claim elements → these arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections). Examiner notes that further defining the input/output relationship would overcome the prior art of record.

On page 8 of the response, the applicant contends that there is not motivation to combine the references; examiner notes the motivation to combine (drawn from the references themselves) presented in the previous and current office action.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

10/22/06



Michael N. Opsasnick

Examiner

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